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**Juvenile Justice & Family Law  
Committee**

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**HB 2068**

**Brief Description:** Creating an opportunity for children to testify in dissolution proceedings.

**Sponsors:** Representatives Hasegawa, Buri and Kagi.

**Brief Summary of Bill**

- Allows a child to testify regarding his or her residential schedule in a dissolution proceeding.

**Hearing Date:** 2/28/05

**Staff:** Kara Durbin (786-7133).

**Background:**

As part of a dissolution proceeding, each party must file a proposed permanent parenting plan, which is an order of the court that sets out some of the rights and responsibilities of each parent. Every parenting plan must include a residential schedule. The residential schedule describes what days and times the child will be with each parent. The parenting plan includes provisions for where the child will be before and after school, during the summer, and for holidays and special occasions.

In determining the residential schedule, the court shall consider a number of factors:

- the relative strength, nature, and stability of the child's relationship with each parent, including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- the agreements of the parties;
- each parent's past and potential for future performance of parenting functions;
- the emotional needs and developmental level of the child;
- the child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- each parent's employment schedule; and
- the wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule.

While all of these factors will be considered by the court, the strength, nature and stability of the child's relationship with each parent will be given the most weight.

In considering the wishes of a sufficiently mature child, a judge may choose to interview the child in chambers, or to allow the child to testify in court. As a matter of practice, courts generally do not consider the wishes of a child unless the child is over the age of 12.

**Summary of Bill:**

If a child wishes to testify regarding his or her preference as to his or her residential schedule, the court shall allow the child to testify, unless the judge has good cause to believe that it would not be in the best interests of the family to allow the child to do so.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.